

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP, BI-LEVEL
PAP, AND MECHANICAL VENTILATOR
PRODUCTS LITIGATION

Master Docket: No. 21-mc-1230-JFC
MDL No. 3014

This Document Relates to:

PHILIPS RS NORTH AMERICA LLC and
PHILIPS NORTH AMERICA LLC,

Plaintiffs,

v.

PSN LABS, LLC,

Defendant.

No. 2:24-cv-01077

RESPONSE TO PLAINTIFFS' MOTION FOR CONSOLIDATION INTO MDL

AND NOW, comes Defendant, PSN Labs, LLC, by and through its attorneys, MacDonald, Illig, Jones & Britton, LLP, and files this Response to Plaintiffs' Motion for Consolidation into MDL (ECF 12; MDL ECF 2931), stating no opposition to Plaintiffs' request and setting forth in further support thereof as follows:

1. The Complaint filed by Plaintiffs against Defendant PSN Labs, LLC ("PSN Labs Complaint") involves issues of fact that are highly technical and relate to product/materials testing, methodology, and conclusions. The Complaint also raises unique contractual issues. These

contractual and technical issues of fact are not similar to those raised in the above-captioned MDL, *In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Liability Litigation*, MDL No. 3014 (W.D. Pa.) (the "Philips MDL").

2. However, PSN Labs, LLC recognizes that the PSN Labs Complaint raises issues tangential to the Philips MDL. For example, the PSN Labs Complaint seeks, in part, contractual and/or equitable indemnification for the cost of recall of devices at issue in the Philips MDL.

3. Defendant PSN Labs, LLC agrees that coordination and/or consolidation for pre-trial purposes will eliminate duplication of discovery (assuming copies of previously served discovery documents and deposition transcripts are provided to defendant PSN Labs, LLC as appropriate) and coordination and/or consolidation is anticipated to reduce litigation costs and save time for parties, counsel, witnesses, and this Honorable Court.

4. Defendant PSN Labs, LLC respectfully requests that this Court's Order of Consolidation expressly state: i) that consolidation is for pretrial purposes only; ii) that PSN Labs, LLC will be permitted to obtain copies all prior discovery in the Philips MDL; and iii) that PSN Labs LLC will be permitted to participate in all Discovery Master and Court scheduled conferences in the Philips MDL

WHEREFORE, Defendant PSN Labs, LLC does not oppose Plaintiffs' Motion for Consolidation into MDL and the relief requested therein, specifically that the matter filed by Plaintiffs against PSN Labs, LLC be coordinated and/or consolidated with the Philips MDL for all pre-trial purposes unless and until any further Order of Court.

Respectfully submitted,
s/ Jamie R. Schumacher

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CERTIFICATE OF SERVICE

I certify that on September 9, 2024, the foregoing Response to Plaintiffs' Motion for Consolidation into MDL was filed electronically with the Clerk of Court, using the CM/ECF system. Notice of this filing will be sent to all parties who have appeared of record by operation of the Court's ECF system and constitutes service of this filing under Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure. Those parties may access this filing through the Court's ECF system.

s/ Jamie R. Schumacher

Jamie R. Schumacher